

### REMARKS

Claims 35-71 are pending in the present application. Claims 54-60 and 68-71 are allowed, leaving claims 35-53 and 61-67 are at issue.

Applicants respectfully traverse the rejection of claims 35, 36, 38, 43, 44, 45, 47, 52, 53, 61, and 65 as anticipated by Bazemore et al. Applicants further traverse the rejection of claims 40-42, 49-51, 63, 64, 66, and 67 as obvious over Bazemore et al. in view of Kouwenberg et al.

Claims 37, 39, 46, 48, and 62 were rewritten in independent form as suggested by the examiner to secure allowance thereof.

Of the remaining independent claims at issue, claims 35, 45, and 65 have been amended to clarify the subject matter for which protection is sought.

Claim 35 as amended, and hence, claims 36, 38, and 40-44 dependent thereon, now recite, in part: "an opening defined by the first container portion; a projection carried by the second container portion and disposed within the opening such that the cavity is sealed; wherein a pressure increase within the cavity moves the container portions apart thereby withdrawing the projection from the opening to unseal the cavity and vent the pressure increase." Taken together or individually, Bazemore et al. and Kouwenberg et al. do not teach or suggest a projection carried by a second container portion and disposed within an opening of a first container portion as recited by these claims.

Bazemore et al. teaches a cooling container having a vent hole disposed in a wall of an interior bowl. Water is poured into the exterior bowl, and the interior bowl is placed therein. Besides allowing air to escape when the interior bowl is placed within the exterior bowl, Bazemore et al. also discloses that the vent hole allows air to escape during freezing of the water. There is no suggestion in Bazemore et al. of a projection disposed within an opening as specified by claims 35, 36, 38, and 40-44. In fact, one of ordinary skill in the art would not be motivated to modify Bazemore et al. to arrive at the claimed subject matter because plugging the vent hole of Bazemore et al. would prevent the disclosed air venting feature.

Kouwenberg et al. teaches a container filled with a frozen liquid comprising a mixture of water and sodium carboxymethylcellulose. Kouwenberg et al. further teaches various

recesses and engagement members formed in the exterior walls of the container that allow a plurality of the containers to be connected or stacked together. As is evident from the examiner's arguments, Kouwenberg et al. appears to be cited solely for teaching sodium carboxymethylcellulose, and apart from this, does not appear to have any particular relevance to the double-walled containers recited by the claims at issue.

The prior art must disclose or suggest every element of a claim in order to anticipate same. Because Bazemore et al. does not teach the recited projection disposed in an opening, claims 35, 36, 38, and 40-44 are not anticipated thereby. Further, the prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217, U.S.P.Q. 1 (Fed. Cir. 1983); *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). There is no disclosure or suggestion that it would be desirable or even possible to provide the recited projection in an opening because plugging the vent hole of Bazemore would undermine the disclosed venting function thereof. Because Bazemore et al. and Kouwenberg et al., whether taken individually or collectively, do not teach that it would have been desirable or even possible to provide a projection disposed within an opening as claimed, it follows that claims 35, 36, 38, and 40-44 are not obvious thereover.

Claim 45, as amended, and claims 47 and 49-53 dependent thereon now specify, in part, first and second container portions permanently joined together to define a sealed cavity therebetween and "a joined section that joins the first and second container portions and wherein the joined section ruptures in response to the pressure increase in the sealed cavity to limit pressure in the cavity." There is no disclosure or suggestion in Bazemore et al. of first and second container portions permanently joined together. In fact, the interior bowl of Bazemore et al. is removable from the exterior bowl. With regard to these claims, an embodiment having permanently joined container portions is advantageous over Bazemore et al. because a user cannot readily separate permanently joined container portions to access and/or potentially spill refrigerant.

Claim 61, and claims 63 and 64 dependent thereon, recite a frangible region that ruptures in response to pressure increase. There is no disclosure in Bazemore et al. of a frangible region that ruptures in response to a pressure increase. The frangible region recited by these claims is an advantage over the vent hole of Bazemore et al. because the frangible

region seals the cavity from the ambient surroundings during normal use, but is rupturable in the event of excessive pressure within the cavity.

Claim 65 as amended, and hence claims 66 and 67 dependent thereon, now specify container portions permanently joined together and at least for this reason these claims should be considered patentable in light of the above-mentioned advantage. In addition, these claims recite "an opening in the outer container portion." There is no opening in Bazemore et al. in an outer container portion as specified by these claims. Rather, Bazemore et al. discloses an opening disposed in the interior bowl and from the figures there is an apparent potential for spill-over of refrigerant from the vent hole into the interior bowl and potentially onto any contents therein, especially when the lid is not on the container or if the lid is open. With regard to these claims, providing an opening in an outer container portion is an advantage over Bazemore et al. because if a pressure increase forces refrigerant out of the opening it is unlikely the refrigerant will contact any food or other item placed within the inner container portion. This advantage is disclosed at page 5 lines 29-30 of the present application: "the opening is preferably disposed in the second container portion 42 to prevent contamination of product placed within the interior space 37 of the container 36 by the heated gel."

Because the cited references do not teach or suggest the particular advantageous combinations of features recited by each of the claims at issue, it follows that claims 45, 47, 49-53, 61, and 63-67 are not anticipated or rendered obvious thereby. *See In re Sernaker* and *Ex Parte Clapp, supra*.

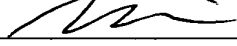
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Reconsideration and allowance of the foregoing claims are respectfully requested. An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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